

032204

02570 U.S. PTO

Practitioner's Docket No. 006429.00004

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

19270 U.S. PTO

10/805772

032204

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Michael L. Creekmore

For (title): Machinist's Accuracy Testing Tool

## 1. Type of Application

This application is for a continuation.

## 2. Benefit of Prior U.S. Applications (35 U.S.C. §§ 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are  
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR  
U.S. APPLICATIONS CLAIMED.

{364194;}

## EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is **mandatory**.)

(Express Mail certification is optional)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date  
03/22/04 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post  
Office to Addressee" Mailing Label No. ER 388893269 US.

Date:

3/22/04

FRANK J. CATALANO

Type or print name of person mailing paper

Signature of person certifying

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**3. Papers Enclosed**

- A.** Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

10 Page(s) of Specification  
3 Page(s) of Claims  
6 Sheet(s) of Drawing(s)--Formal

- B.** Other Papers Enclosed

2 Page(s) of declaration and power of attorney (AS FILED IN PARENT APPLICATION)  
1 Page(s) of abstract (AS FILED IN PARENT APPLICATION)  
Application Data Sheet  
Nonpublication Request  
Preliminary Amendment

**4. Additional Papers Enclosed**

Amendment to claims

Cancel in this applications claims 1-11 before calculating the filing fee.

Information Disclosure Statement (37 C.F.R. § 1.98)

Form PTO-1449 (PTO/SB/08A and 08B)

**5. Declaration or Oath**

Copy of Declaration as filed in parent application is enclosed.

Executed by:

\* inventor.

**6. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**7. Language**

English

**8. Fee Calculation (37 C.F.R. § 1.16)**

Regular Application									
CLAIMS AS FILED									
Basic Fee 37 C.F.R. § 1.16(a) \$770.00									
Number Filed			Number Extra			Rate			
Total									
Claims (37 C.F.R § 1.16(c))			6	–	20	=	0	x	\$ 0.00 = \$ 0.00
Independent									
Claims (37 C.F.R § 1.16(b))			2	–	3	=	0	x	\$ 0.00 = \$ 0.00
Multiple Dependent Claim(s), if any (37 C.F.R § 1.16(d))									
							\$ 0.00	\$ 0.00	

Amendment cancelling extra claims is enclosed.

Filing Fee Calculation \$770.00

**9. Assertion of Small Entity Status**

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.  
Status as a small entity was asserted in the prior application 10/355369 filed on January 31, 2003 from which benefit is being claimed for this application under 35 U.S.C. § 120 and which status as a small entity is still proper and asserted for this application.

Filing Fee Calculation (50% of above Filing Fee Calculation) \$385.00

**10. Fee Payment Being Made at This Time**

Enclosed

Filing Fee \$385.00

**Total Fees Enclosed \$385.00**

**11. Method of Payment of Fees**

Attached is a check in the amount of \$385.00.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

**12. Authorization to Charge Additional Fees**

The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

**13. Instructions as to Overpayment**

Credit Account No. 50-1971.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATIONS CLAIMED  
(37 C.F.R. § 1.78)**

**14. Relate Back**

Amend the specification by inserting, before the first line following the title, the following sentence:

**A. 35 U.S.C. Sections 120, 121 and 365(c)**

"This application is a continuation of copending Application number 10/355,369 filed on January 31, 2003 and Application number 09/906,339 filed on July 16, 2001 (PAT 6513255)."

**15. Maintenance of Copendency of Prior Application**

**A. Extension of Time in Prior Application**

A petition, fee and response extends the term in the pending **prior** application until March 20, 2004.

A **copy** of the petition filed in prior application is attached.

**16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

- (a) This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.

**17. Abandonment of Prior Application**

Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

**18. Small Entity (37 C.F.R. § 1.28(a))**

Applicant has established small entity status by the filing of a statement in parent application 10/355,369 on January 31, 2003.

**19. NOTIFICATION IN PARENT APPLICATION OF THIS FILING**

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

Date: 3/22/04



Frank J. Catalano  
Registration No. 25836  
Gable & Gotwals  
100 W. 5th Street, 10th Floor  
Tulsa, Ok 74103  
USA  
918-5954963  
Customer No. 07303

Practitioner's Docket No. 006429.00003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael L. Creekmore

Application No.: 10/355,369

Group No.: 2314

Filed: January 31, 2003

Examiner: Courson

For: Machinist's Accuracy Testing Tool

Commissioner for Patents

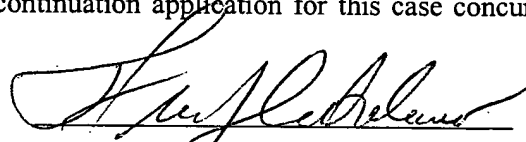
P.O. Box 1450

Alexandria, VA 22313-1450

NOTIFICATION OF FILING OF CONTINUING,  
DIVISIONAL OR CONTINUED PROSECUTION APPLICATION

Notification is hereby being made of the filing of a continuation application for this case concurrently herewith.

Date: 3/22/04



Frank J. Catalano  
Registration No. 25836  
Gable & Gotwals  
100 W. 5th Street 10th Floor  
Tulsa, OK 74103  
US  
918-5954963  
Customer No. 07303

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

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(X) deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

(X) with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

( ) as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

( ) facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: 3/22/04

Signature

FRANK J. CATALANO

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael L. Creekmore

Application No.: 10/355,369

Group No.: 2314

Filed: 01/31/2003

Examiner: Courson

For: Machinist's Accuracy Testing Tool

COPY

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. § 1.136(a))

1. This is a petition for an extension of the time for a total period of one month to File a continuation application..
2. A response in connection with the matter for which this extension is requested has been filed. The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.
3. Applicant is a small entity. A verified statement was already filed
4. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)-(5)):

Extension:  
one month

Fee for small entity:  
\$55.00

{364197;}

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

(X) deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

(X) with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

( ) as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

( ) facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_

Signature

FRANK J. CATALANO

Date:

3/22/04

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.



**Fee \$55.00**

If an additional extension of time is required, please consider this a petition therefor.

Extension fee due with this request \$55.00

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any), the extended period for response will expire on March 20, 2004 (Saturday).

6. Fee Payment

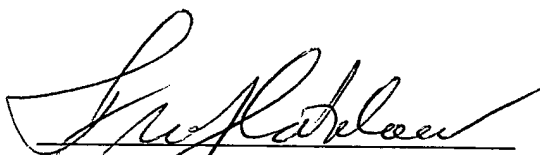
Attached is a check in the amount of \$55.00.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. Charge any additional costs to deposit acct 50-1971.

A duplicate copy of this paper is attached.

Date:

3/22/01



Frank J. Catalano  
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Tulsa, Ok 74103  
US  
918-5954963  
Customer No. 07303

ER 38889326945 3/22/04

PTO/SB/35 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Michael L. Creekmore

Title

Machinist's Accuracy Testing Tool

Attorney Docket Number

006429.00004

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

3/22/04  
Date

  
Signature

(918) 595-4963

Telephone number

FRANK J. CATALANO

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.